

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA

V.

(2) MAURICIO NAME

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**CRIMINAL ACTION NO.
SA-10-CR-00087(2) - FB**

DEFENDANT'S MOTION FOR EARLY TERMINATION OF PROBATION

TO: THE HONORABLE FRED BIERY:

NOW COMES MAURICIO NAME, Defendant in the above entitled and numbered cause, by and through attorney of record, PATRICK JOHN FILYK, and hereby files this Motion for Early Termination of Probation. This motion is based on Section 3583 of Title 18 of the United States Code, and the facts set forth below.

**I.
BACKGROUND FACTS**

On or about September 23, 2010 defendant was sentenced to 60 months of probation for his conviction for violation of 21 U.S.C. § 846, Conspiracy to Manufacture and Possess with intent to Manufacture Marijuana Plants. Mr. Name has successfully completed 42 months of his probation, which would normally expire on September 23, 2015. Based on his successful performance on probation, Mr. Name hereby moves the Court for entry of an order terminating his probation.

**II.
AUTHORITIES**

Under 18 U.S.C. Section 3564 (c), the Court has the authority to grant early termination of a previously imposed term of probation. Section 3564 (c) provides:

“(c) Early Termination-The Court, after considering the factors set forth in section 3553 (a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.”

III. SUCCESSFUL REHABILITATION

As of the filing of this motion, Mr. Namè will have completed approximately 42 months of his term of probation. Mr. Namè has been performing well on probation. He has had no new contact with law enforcement or otherwise violated the terms and conditions of probation.

1. Employment

At present, Mr. Namè is gainfully employed with M.M.C.C. Construction and Remodeling, as Vice President. Because of the demands of his employment, Mr. Namè routinely works 60 to 80 hours a week. A letter of commendation from an existing client of M.M.C.C. Construction detailing Mr. Namè’s good character and professionalism is attached hereto marked as *Exhibit “A”*.

2. Personal Growth

Without doubt, the greatest outcome of Mr. Namè’s arrest has been his personal growth. As Counsel for Mr. Namè, I can attest to the profound change I have witnessed in my client, but Mr. Namè’s own words say it best. A letter from Mr. Namè to the Court is attached hereto marked as *Exhibit “B”*.

IV.
CONCLUSION

Mr. Namè has done very well on probation, has sustained to no new arrests, has stable employment, has paid off his restitution in full, has completed 42 months of his term of probation without incident and has otherwise discharged all of the terms and conditions of probation. For the foregoing reasons, Mr. Namè respectfully requests that the Court terminate his term of probation forthwith.

Respectfully submitted,

/s/ Patrick J. Filyk
PATRICK JOHN FILYK
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Motion for Early Termination of Probation served via facsimile on the following:

Robert Pitman
United States Attorney
Attn: Erica Giese
Assistant United States Attorney
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216-5597
(210) 384-7105 Facsimile

Diana Tijerina
U.S. Probation
727 E. Cesar E. Chavez Blvd. Room B-310
San Antonio, Texas 78206-1203
(210) 472-6599 Facsimile

on this the 18th day of March, 2014

/s/ Patrick J. Filyk
PATRICK JOHN FILYK

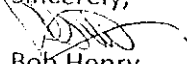
3/14/2014

To whom it may concern,

My name is Bob Henry and I am the owner of Floor Depot in San Antonio. I operate two retail locations and we work with 5 different flooring contractor companies. MMCC (Carlos and Mauricio Name, Owners) facilitate more than 30% of our installations. They have proven themselves to be invaluable to our company and to our customers. They have not only been professional handling their own projects they have been a very big help in handling personality conflicts that present themselves on other projects. I have enjoyed my working experience with the Carlos and Mauricio and look forward to a long continued relationship. They have been an asset that is not easily replaced. I would not have any hesitation referring them to anyone (unless it is a competitor) as they have been punctual and professional.

Please feel free to call if you have any questions about MMCC or the Name brothers.

Sincerely,


Bob Henry

Floor Depot

President



I would like to start this letter first of all with a thank you, for you have changed my life in ways I could have never imagined. You have made me the successful entrepreneur that I am today and the Creator of MMCC Construction LLC. The System in this case was a success. It Created a man that now has a bright future and a life to enjoy and a man who now contributes to the community by employing people and building economic stimulation through the construction of commercial buildings. I had the tools to start a company all along. It was a hard road and difficult climb with tuff obstacles and treacherous turns but I kept my head up and took it in the chin. I told myself I had the tools and intelligence to free myself from the grave that I buried for myself in and that's what I did. One shovel full at a time till I reached the surface and could finally take a breath look back and tell myself, "I did it..." It is with great joy to tell you that we will be starting construction of the 3rd New Bank of America. Of which we are doing the following trades: Concrete, Roofing, Masonry, Landscaping, Steel fabrication and Erection. We have completed the Grand Prairie location and will be completing the Bank of America Plano location this month. Cal Development is awarding us with the 3rd Project this month for the New Bank of America in New Braunfels. We are also working on a big deal with Catamount Construction of the building of a New 5 Story Office Building of Lockhill-Selma and 1604. That project just for the masonry portion is almost 1,000,000.00. We also are budgeting for all the dirt work and construction of streets and drainage systems for a 1500 home housing development for Lennar Homes in Kendalia, TX. We are also doing a complete building renovation for a client on 6th Street in Austin, TX that will be a big deal as well. It's a great feeling to now that the American dream is always alive and ready for the next person to just hop on board, work hard and achieve ones goals. Hard work and dedication will get you to the place you want to go every time. It's what I learned through being and athlete and it's what I learned in the real world as well. The more you put in the more you get out. That goes with everything in life. That's why I don't agree with handouts. I work hard for what I have and I think everyone should too. It was my understanding that anybody can make money. You just need to understand that you are responsible for the amount you make. You can't fault blame on anyone else but yourself for the decisions you make. When you mess up, hey it's your own fault. It's like the game of golf for instance. When you duff a shot it's your fault. It wasn't your teammates



fault for not passing you the ball on time or not being there when you needed them. The only one to blame is yourself. Now the interesting thing here is who's going to get me out of this problem. Well you are silly. You're going to hit the second shot on the green. It's a 235-yard shot so take your 3 wood smack the hell out of it and get it on the green you pansy. That's how I talk to myself and by golly its working. I take life like a round of golf. It's you and what are you going to do about a missed opportunity. Are we going to cry about the worm burner you just witnessed or are you going to put that behind you and crush the second chance life has given you. Thinking like this has improved my life. It has raised my confidence, drive and success and is something I preach to all my employees, family and friends. My friends will come up to me and ask me how I did it. I ask them what? They say, " How did you start your company and get to the point I am today. I tell them with love, sweat and lot of tears. It took the tears I gathered in a jail cell for 8 months to realize this wasn't for me. I am out of place. I was surrounded by child molesters, gangsters and murders, people who have no respect for life as it seemed by all the horror stories that would keep me up for countless hours of the night. I would lose myself in the world of books. I'd read sometimes 200 pages in a day. They would ask me why I read so much and I'd reply because it takes me to another place. I couldn't understand the repeat offender. It was mind boggling to me. I'd ask myself how could anyone experience this and not change the way they look at life or their current situation. Having ones freedom taken away and then to be treated like an ordinarily animal at a zoo must be traumatizing. It was to me and I made a promise to myself never to return. I worked a lot while in they're on ideas and ways to further the company. Upon my release I turned those ideas into reality and began to grown the company on the commercial construction side. Surround yourself with good people and you'll go far. I'll always tell myself this. Out with the bad in with the good. No more living stressed out. I live my life in peace and harmony now with a future I can smile too. Again, thank you for the most important lesson in life. FREEDOM IS PRICELESS. GOD BLESS THE UNITED STATES OF AMERICA.

Sincerely,

Mauricio Namé

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**ORDER GRANTING DEFENDANT'S MOTION
FOR EARLY TERMINATION OF PROBATION**

On September 23, 2010 Defendant was placed on probation by this Court.

Pursuant to the authority vested in this Court by 18 U.S.C. Section 3564 (c), the Court is of the opinion the ends of justice have been served and it is in the best interest of the Defendant and of society that he be discharged from further probation.

It is therefore hereby ORDERED, ADJUDGED AND DECREED that Defendant's probation be terminated effective _____, 2014, and that the Defendant is discharged from probation on said date.

DONE AND ENTERED on _____, 2014.

HONORABLE FRED BIERY
Chief U.S. District Court Judge